

[No. 100—Second Series—3000]

INDIAN RIGHTS ASSOCIATION,
995 Drexel Building, Philadelphia, Pa.
November 15, 1915.

THE MEANING OF THE UTE "WAR."

BY M. K. SNIFFEN,
Secretary Indian Rights Association.

History has repeated itself many times in Indian Affairs, and the recent trouble with the non-reservation Utes, in Utah, is merely one of those incidents that were so common in the early days of this country.

In order that we might learn what really was behind that incident, and what actually happened in that inaccessible region, while visiting some Indian reservations I took a horseback trip, last September, from Cortez, Colorado, to Bluff and vicinity in the State of Utah.

I found that there were two distinct elements among these Utes: two small groups, under the leadership of Polk and Posey (both of whom are reputed, generally, to be lawless and defiant), with no settled homes, but usually camping near Bluff, and a much larger number of industrious Indians living on the public domain in Allen Canyon and on the Montezuma Creek. In the trouble that was developed, however, there was no discrimination between the good and the bad—all were regarded in the same light, as a nuisance (or a hindrance) to the white man.

The principal character in this affair was the son of Polk, Tse-Nc-Gat (or Everett Hatch, as he is usually called), a Ute Indian accused of murdering a Mexican shepherd. This matter was fully exploited in the newspapers last spring, when it was made to appear that all the Utes in that section were on the war-path, "armed to the teeth," and prepared to resist any effort of the authorities to arrest Hatch. In view of this "dangerous" state of affairs, and the alleged inability of the United States marshal to get

Hatch, a posse was organized in Colorado and sent to Bluff, Utah, near where the Indian wanted was supposed to be. According to the best information I could obtain from people in position to know about two-thirds of this posse was composed of the "rough-neck" and "tin-horn" class, to whom shooting an Indian would be real sport! Probably twenty-five of these eminent citizens, fully armed with everything but a warrant, attacked those Utes who were camped near Bluff one morning about daybreak.

That the Indians were not spoiling for a fight, or even prepared for it, is evident from the fact that they did not take the precaution to guard their camp, and they were therefore easily surprised. Indeed, I was informed that some of them were unarmed, their guns being in pawn. The posse took positions on both sides of the hills overlooking the Indians' camp, in the wash near Bluff, and fired a volley into the tents. Naturally, the Indians were aroused, and thinking they were going to be killed, they tried to escape. Polk and his son, with several other Indians, sought a sheltered spot and returned the fire. Meanwhile, Posey, hearing the shooting, came up from his camp, a mile or so below, as his son was visiting the Bluff contingent. In the brief battle an Indian child was shot through the legs, one Indian who was seeking shelter was killed, and a member of the posse was also killed. And the attempt to arrest Hatch ingloriously failed.

Later, Mancos Jim, at the urgent request of the whites at Bluff, visited the camp of the Indians and induced the men to surrender. As they were coming towards the town Polk and Posey and a few of their followers escaped. Several of the Indians were made prisoners and confined in a second-story room over the Zion Co-operative Store at Bluff. They were shackled hand and foot and armed guards placed in charge of them. After the posseman was killed his friends were eager to "shoot anything that looked like an Indian"; and it was not strange to learn that one of the prisoners who "attempted to escape" by jump-

ing from the second-story window was shot to death. The prisoners were securely ironed and incapable of doing serious harm to the armed guards, who were fully prepared for any emergency. It is claimed by one of the prisoners, after his release, that the guards indulged in the "gentle" pastime of holding guns to their heads and against their bodies, at the same time threatening to shoot. In view of these circumstances, it would seem that the killing of the prisoner was a deliberate act of vengeance, and wholly unnecessary, since he could readily have been restrained by physical force.

The rest of the "dangerous" Indians were driven from the vicinity of Bluff, and started up the San Juan river for the Navajo reservation. Bluff was strongly guarded by the posse, but no protection was arranged for the traders and the Government farmer, with their families, on whom these Indians were turned loose. A warning was not even sent them. What happened? Those so-called dangerous Indians stopped at the traders' stores, bought some supplies, and camped among or near the Navajos, and no one was disturbed!

After the bungling attempt to arrest Hatch, the posse camped at Bluff and merely "marked time." General Hugh L. Scott, of the United States Army, was sent by the Government to handle the situation. Incidentally, the first thing he did was to disband the posse. Then he went out to the few belligerent Indians and had no trouble in inducing them to surrender, in spite of the fact that one of the Mormons at Bluff said he "would have been willing to bet a thousand dollars that Scott could not bring those Indians in."

Subsequently, Hatch was tried in the Federal Court at Denver on the charge of murder. The case of the Government was so weak, and the argument of the defense so convincing, that it took the jury less than five minutes to return a verdict of "not guilty." The evidence against Hatch was insufficient, in the first place, and had there been

no other motive behind this effort, opportunities were not lacking when he could have been arrested in Bluff. But the case against Hatch was only a pretext for something else. One of the Mormons declared that "when they get Hatch, they will take all the other Indians away from this part of Utah."

For many years, one hundred or more Indians made their homes in Allen Canyon and on the Montezuma Creek (on the public domain) in San Juan County, Utah. They were industrious, peaceable and self-supporting, and a number of them had built permanent homes, had fenced fields, and were making good progress. That part of Allen Canyon where Mancos Jim and his band lived is now included in a National Forest Reserve. He has a certificate stating that "the Forest Service has set aside the allotment for the said Mancos Jim and his little band of Indians, and all trespassers will be dealt with according to law."

As soon as the posse arrived in Bluff the cattlemen rode among these industrious Indians in Allen Canyon and along Montezuma Creek, and by threats and intimidating methods so frightened them that they fled for their lives, as they believed.

As has been stated, there was also a lawless element of the Utes, several small bands of them, without permanent homes, who "drifted" up and down along the San Juan River, and undoubtedly caused trouble among the Indians and whites. Had they been taken in hand, it would have been well for all concerned. Even now steps should be taken by the authorities to bring that element under law and discipline.

The principal industry in San Juan County, Utah, in which Bluff is situated, is the stock business. The herds and flocks of the white men had been steadily increasing, and the question of range was bothering them. Consequently, they wanted to get the Indians off the public domain and have undisputed possession of the range. The Hatch incident afforded just the opportunity they were

looking for. It was then discovered how "dangerous" the Utes were; they must be "returned" to their reservation. While they are registered on the Ute Mountain reservation, in Colorado, as a matter of fact, most of the Indians concerned were born and raised in the sections where they had been living.

It should also be noted that a law was enacted by Congress in 1884 to encourage Indians to leave the reservation and settle on the public domain; and that under the fourth section of the Severalty Act of 1887, they could be protected in their holdings. These Indians had done the very thing that Congress had sought to encourage, namely, to maintain themselves off the reservation, and their rights should be protected in every possible way. In the face of these facts, it is extraordinary that an official of the Indian Service, located in Utah, took the ground that these Indians ought to be put on the reservation and forced to stay there if it took troops to accomplish that result!

The Ute Mountain reservation, to which these Indians nominally belong, is a tract of 480,000 acres (in southwestern Colorado), but not more than 10,000 acres of it is capable of irrigation, *if* water could be secured. At the present time there is on more water than is needed for the Indians who are permanently located on the reservation, and if any additional number were put there it would work a great hardship on all of them. These non-reservation Utes were "making good," and they certainly should not be forced to go on a reservation unless they could be given something at least as good as that which they are asked to give up. To forcibly remove them now would mean to sweep away all the progress they have made in industry, self-support, and self-respect, to say nothing of the discouragement incident to making another start under adverse circumstances. In fact, they could not make a living on the reservation under present conditions; they would have to be put on a ration basis; reduced from a progressive, independent element to an absolutely dependent class—certainly a distinct backward step.

At the present time these industrious Utes are camped on or near the extension of the Navajo reservation, in southeastern Utah. Many of them, in their hurried leaving, had to abandon their stock and other possessions. One of them told me how he had developed his home on Montezuma Creek; the way he was ordered away by armed cowboys, the loss of his stock, etc., and his desire to go back to it. He said, "Washington no savvy; no talk. If Washington talk, 'You go back,' I say 'all right; give me paper; I go back.' Me have good ranch; nice place. Now, no home, no land, no water. Navaho Springs no good." He is only one of a number. This progressive element is now at a standstill, waiting to see what the Government intends to do on their behalf. They contend that the Navaho Springs reservation is "no good, no wood, no water." And they are right; I visited the reservation. At present they have nothing to do but draw rations twice a month. If some steps are not soon taken to change their status trouble is likely to develop. It is not a good plan to have a hundred or more Indians "sit down, every day all same Sunday." Furthermore, it is not just to the Navajos; their range is limited, and bringing on additional stock will not improve conditions.

In line with the effort to drive out all the Utes from San Juan County, at the time of my visit the cattlemen were riding around among a number of Navajo families living on the public domain, along the San Juan River, ordering them to "get out." These Navajos also have been located there for generations; they are industrious and self-supporting, and their rights also should be respected.

It is interesting to note that seven years ago Mr. Levi Chubbuck, then an inspector of the Interior Department, was sent to investigate "complaints made by the whites against Indians in San Juan County, Utah." His report, submitted under date of August 22, 1908, contained recommendations which, had they been properly acted upon,

might have afforded protection for these non-reservation Utes. But nothing was done.

In Mr. Chubbuck's report the opinion is expressed that "the trouble between the whites and the Indians arose largely from a desire on the part of the whites to acquire more grazing land as their flocks and herds increased."

According to this report, among those who made complaints against the Indians were "the three white men most vitally interested in the grazing privilege of the district in dispute."

Mr. Chubbuck further states: "The white complainants were surprised to learn that under the land laws of the United States of the Indian Homestead Act of July 4, 1884, the Indians had a right to go on the public domain and take up land, and that it was the policy of the Indian Office to encourage them to do this; that the whole tendency of modern administration of Indian Affairs is in the direction of breaking up rather than consolidating the reservation system."

In spite of this information that was given to those cattlemen, seven years ago, as to the legal rights of the Indians to be on the public domain, they would not let the Utes alone. It would seem that there is a class of white men in San Juan County, Utah, that ought to be taught to respect the law. Let the United States authorities deal not only with them, but also the lawless element among the Utes that has caused trouble for both whites and Indians.

Rev. Sherman Coolidge, President of the Society of American Indians, when in San Francisco during the past summer, met a Ute boy who was playing in a band. He said to him, "What you Utes need is a white man's chance." The boy replied, "No! Give us half a chance and we will take care of the other half."

The progressive Utes herein referred to are now patiently waiting to see if the United States Government intends to give them "a white man's chance." Surely they have proved their right to it.

